

JEFFREY M. RATINOFF (SBN197241)
Email: jratinoff@mintz.com
KARINEH KHACHATOURIAN (SBN 202634)
Email: kkhachatourian@mintz.com
MINTZ LEVIN COHN FERRIS GLOVSKY
AND POPEO P.C.
1400 Page Mill Road
Palo Alto, CA 94304-1124
Telephone: (650) 251-7700
Facsimile: (650) 251-7739

Attorneys for Plaintiff,
CONTINENTAL D.I.A. DIAMOND PRODUCTS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CONTINENTAL D.I.A. DIAMOND
PRODUCTS, INC., a California corporation,

Plaintiff,

vs.

DONG YOUNG DIAMOND INDUSTRIAL
CO., LTD., a South Korean company,
DONGSOO LEE, an individual, and DOES 1-
10, inclusive,

Defendants.

Case No. CV 08-2136 SI

**PLAINTIFF'S REPLY ISO OF MOTION TO
STRIKE PORTIONS OF THE DEFENDANTS'
ANSWER, OR IN THE ALTERNATIVE, FOR
A MORE DEFINITE STATEMENT**

Date: August 29, 2008
Time: 9:00 a.m.
Place: Courtroom 10
Judge: Honorable Susan Illston

Complaint Filed: April 24, 2008
Trial Date: None Set

Plaintiff Continental D.I.A. Diamond Products Inc., ("Plaintiff" or "Continental") filed a motion to strike Defendants' Answer or in the alternative, for a more definite statement on July 23, 2008 (Docket No. 23) for hearing on August 29, 2008. Thus, Defendants opposition was due on August 8, 2008. As of the filing of this reply, no opposition appears on the court docket and Plaintiff has not otherwise received any opposition. Defendants failure to file any opposition certainly supports an inference that Plaintiff's motion to strike is meritorious and should be granted for the

1 reasons previously set forth in its moving papers. *See e.g. Cooper v. Lassen County Sheriff's Dept.*,
2 2008 WL 2120058 (E.D. Cal. May 20, 2008) at *1; *see also Woodfin Suite Hotels, LLC. v. City of*
3 *Emeryville*, 2008 WL 724105 (N.D. Cal. March 14, 2008) at *5; *Duran v. Allied*, 2007 WL 628054
4 (S.D. Cal. February 8, 2007) at *2. Accordingly, Continental respectfully requests that the Court
5 grant its Motion to Strike with prejudice.

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7 Dated: August 13, 2008

Respectfully submitted,

MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO P.C.

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9 /s/ Jeffrey M. Ratinoff

10 By: JEFFREY M. RATINOFF

11 Attorneys for Plaintiff,

12 Continental D.I.A. Diamond Products, Inc.
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